IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 4417 of 2007(A)

PETITIONER:

MASS EDUCATIONAL TRUST HAVING ITS
REGISTERED OFFICE AT AZHOOR HAVING THE POSTAL
ADDRESS MASS EDUCATIONAL TRUST, VILAYIL
VEEDU, AZHOOR P.O., PERUNGUZHI, REPRESENTED
BY L.SURESH BABU, SECRETARY.

BY ADV. SRI.M.BALAGOVINDAN
SRI.M.R.SASITH

RESPONDENTS:

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1. DISTRICT COLLECTOR,
COLLECTORATE, THIRUVANANTHAPURAM.

2. TAHSILDAR, OFFICE OF THE TAHSILDAR
(CHIRAYINKIL), ATTINGAL.

3. CIRCLE INSPECTOR OF POLICE,
OFFICE OF THE CIRCLE INSPECTOR OF POLICE,
ATTINGAL.

4. TALUK SURVEYOR,
OFFICE OF THE SUPERINTENDENT OF SURVEY
AND LAND RECORDS, ATTINGAL.

BY GOVT.PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No. 4417 OF 2007-A

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Dated this the 26th day of February, 2007.

JUDGMENT

The petitioner has moved the Additional Tahsildar, Chirayinkeezhu for measuring out certain properties and identifying the boundaries. Ext.P7 shows that the Additional Tahsildar has addressed the Circle Inspector of Police, Attingal for appropriate police protection. If the survey authorities are to do the survey activities in accordance with the Survey and Boundaries Act and any other enabling provision in that behalf, that could be done. But, under the guise of such proceedings, boundary disputes between neighbours cannot be settled. That is essentially a matter within the exclusive domain of the civil courts and it is not for the revenue authorities to decide such matters.

In the aforesaid circumstances, this writ petition is

disposed of directing that any request of the petitioner for survey and measurement will be adverted to, considered and a final decision taken in accordance with law and if there are no disputes between the rival claimants, the measurements will be done and appropriate action taken under the power of this judgment. There shall be no resolution of any boundary dispute and if anybody lawfully objects, the parties shall be left to litigate on their respective rights before the competent civil courts.

SD/-
THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

-TRUE COPY-

P.S.TO JUDGE.